

In re: Brader-Araje *et al.*
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Filed: April 13, 2000
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REMARKS

Applicants appreciate the thorough review of the present application that is reflected in the Office Actions dated July 1, 2003, October 4, 2003, May 3, 2004, October 25, 2004, June 27, 2005 and December 27, 2005. Applicants likewise appreciate the withdrawal of the previously pending rejections. The latest Office Action, however, sets forth new rejections of each of the pending claims as obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 6,425,270 to Rackson ("Rackson") in view of U.S. Patent No. 5,898,836 to Freivald *et al.* ("Freivald") and U.S. Patent No. 6,405,175 to Ng ("Ng"). For the reasons set forth herein, Applicants respectfully submit that the combination of cited references does not teach or suggest the claimed invention and, as such, the pending rejections should be withdrawn and the application passed to issuance.

I. The Rejection of Claims 1-2 and 4-6, 8-9 and 54 Should Be Withdrawn

Applicants have carefully reviewed the pending rejections, and the references cited in support of these rejections. Based on this review, Applicants respectfully submit that the cited portions of the applied references fail to disclose or suggest at least six (6) recitations of each of the pending claims. Applicants also respectfully submit that a person of skill in the art would not have been motivated to combine the references as suggested in the Office Action. Accordingly, for each of the reasons discussed below, Applicants respectfully submit that the rejections of Claims 1-2, 4-6, 8-9 and 54 should be withdrawn.

A. Information About Items Being Auctioned Displayable to Users Accessing an Intermediary Web Site

The first recitation of the pending claims missing from the cited references is the recitation of "information maintained at an intermediary web site on a computer network about items being auctioned at a plurality of remotely located auction sites . . . wherein the information is displayable to users accessing the intermediary web site." The Office Action states that Rackson at Col. 23, lines 35-55 discloses making information about items being auctioned at a plurality of remote web sites displayable to users that access an intermediate web site. (Office Action, p. 2). Applicants respectfully disagree with this assertion.

The cited portion of Rackson discusses a feature that allows bidders (i.e., persons wishing to bid for an auctioned item) to provide the multi-auction service rules for bidding on

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specific items. (Rackson at Col. 23, lines 39-41). The multi-auction service then identifies items being auctioned at remote auction sites that match a bidder's request and, using the rules specified by the bidder, generates bids for such items. (Rackson at Col. 23, lines 41-55). Notably, Rackson does not disclose or suggest that information maintained at the multi-auction service that relates to "items being auctioned at a plurality of remotely located auction sites . . . is displayable to users accessing the intermediary web site" as recited in each of the pending claims. Instead, the bidders tell the multi-auction service (a) what they want to bid on and (b) the rules for bidding. Based on this information, the multi-auction service then proceeds to automatically perform the bidding process. There is no indication that information about items being auctioned at remote sites is displayed to the bidders and, in fact, there clearly is no reason to do so since the multi-auction service automatically performs the bidding process for the bidders according to predefined rules. Accordingly, the rejections of the pending claims should be withdrawn for at least this reason.

B. Extracting Keywords From Obtained Data

Claims 1-2, 4-5 and 54 further recite "extracting keywords from the obtained auction item data." Claims 6 and 8-9 recite "extracting keywords from the received static and dynamic information." The Office Action cites to Freivald as disclosing these claim recitations. Applicants also respectfully submit that Freivald (nor any of the other cited references) does not disclose extracting keywords from the obtained auction item data" as claimed in embodiments of the present invention.

The Office Action cites to Column 7, lines 9-12 of Freivald as disclosing extracting keywords from obtained data. This portion of Freivald states:

The user then selects which portions of the web page document are to be compared for changes. The user can select paragraphs of text by dragging a highlight across the text."

This excerpt merely states that a portion of a web page document is selected to be reviewed for changes by highlighting the text. Selecting a portion of a web page document and extracting keywords from data are two very different things. As conceded in the Office Action, extracting keywords as recited in the claims involves extracting words or phrases from auction item data. (*See* Office Action, p. 6). No such extraction of words from a data set is disclosed in Freivald. Accordingly, the rejections of the pending claims should also be withdrawn for at least this additional reason.

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Applicants note that the Response to Arguments section of the Office Action takes the position that "select[ing] portions of the web page document [that] are to be compared for changes" as disclosed in Frievald is "equivalent to" "extracting keywords" from data as recited in the pending claims. However, "extracting" something is different from "selecting" something. In the claimed methods, keywords are extracted (i.e., copied or taken out of) so that they may be stored in the "storing" step of each claim. In contrast, the cited portion of Frievald refers to a user selecting (i.e., highlighting) text in a document that is to be compared for changes. Applicants respectfully submit that Frievald does not teach or disclose "extracting" anything.

C. Extracting Keywords Via the Agent

The claims further recite that the keywords are extracted "via the agent." As indicated in, for example, Claim 1, the agent is something that is included at the intermediary web site. The Office Action points to Column 7, lines 9-12 of Frievald (which is quoted above) as disclosing this aspect of the claims. However, what the cited portion of Frievald expressly states is that the portion of the web page document (i.e., the purported keyword) is selected by "the user." The "user" of Frievald is someone who operates a client 14 from a site on the Internet 10 that is remote from the server 12 where the system of Frievald is located. (See, e.g., Frievald at Col. 3, line 60 through Col. 4, line 2 and FIG. 1). Thus, it is clear that the "user" of Frievald is not located at or part of an intermediary web site, and hence cannot comprise the "agent" of Claim 1.

Applicants again note that the Response to Arguments section of the Office Action takes the position that -- after the user has selected the text -- "a software tool automatically retrieves files and compares the retrieved files to an archived (stored) checksum of the file to determine if a change in the file (change in the keywords) has occurred." (Office Action, p. 6-7). However, this software tool of Frievald does not do any "extraction" (or even any "selection"). Instead, the software tool performs a checksum comparison. Applicants respectfully note that the pending claims are not directed to having an agent perform a checksum comparison on previously selected text. Instead, Claim 1, for example, recites "extracting keywords from the obtained auction item data." Such extraction is simply not disclosed or suggested in Frievald or the other cited references. Accordingly, the rejections of the pending claims should also be withdrawn for this additional reason.

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D. Storing Extracted Keywords

Each of the pending claims further recite "storing the extracted keywords." The Office Action cites to Column 6, lines 32-46 of Freivald as disclosing this recitation of the claims. The cited portion of Freivald, however, refers to storing cyclic redundancy code checksums which are not the same "keywords" that the Office Action points to as being extracted from the obtained data. Thus, it is equally clear that Freivald does not disclose or suggest "storing the extracted keywords" as recited in the pending claims.

In the Response to Arguments section, the Office Action further states that "these archived words are stored in database 16", citing to Freivald at Col. 7, lines 1-55. However, what the cited portion of Freivald states is that the checksum is stored in database 16. As noted above, the rejections of the pending claims are internally inconsistent in that in one part the rejections state that user selected text comprises the keywords, yet another part of the rejection takes the position that the checksum comprises the keyword. Applicants respectfully submit that such rejections are not supportable, and request withdrawal of the pending rejections for this additional reason.

E. Each Stored Keyword Associated with an Item Being Auctioned

The pending claims further recite that "each stored keyword is associated with an item currently being auctioned." In rejecting the claims, the Office Action never identifies which portion of the cited references allegedly discloses this recitation. The two things identified in the pending rejection as corresponding to "extracted keywords" are the CRC checksums discussed at Col. 6, lines 32-46 of Freivald and the highlighted web page portions discussed at Col. 7, lines 9-12 of Freivald. (*See* Office Action, pp. 3-4). It is clear that neither of these alleged "keywords" are associated with an item that is being auctioned.

In particular, each CRC checksum of Freivald comprises "a condensed signature or fingerprint of [a web page] document." (Freivald at Col. 6, lines 38-39). Such CRC's obviously have no relationship whatsoever to items that are being auctioned. Likewise, the web page portions that a user can highlight for change-detection purposes also have nothing to do with items that are being auctioned. Thus, the failure of the cited references to disclose or suggest associating each stored keyword with an item being auctioned provides yet another independent basis for withdrawal of the pending rejections.

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F. Keywords Searchable by Users Accessing the Intermediary Web Site

Finally, the pending claims recite that "the stored keywords are searchable by users accessing the intermediary web site." Once again, the Office Action does not identify the portions of the cited references that allegedly disclose or suggest this claim recitation. This deficiency in the pending rejections was identified in Applicants' previous Response, yet the latest Office Action does not identify any disclosure in the cited references that teaches that "the stored keywords are searchable by users accessing the intermediary web site." In order to make a *prima facie* rejection under Section 103, it is necessary to show that each of the recitations of the claim are disclosed in the prior art, and that a skilled artisan would have been motivated to combine the prior art teachings to arrive at the claimed invention. Here, it has not been shown that all of the claim recitations were known in the art, and hence by definition the rejections under Section 103 cannot be sustained.

II. Conclusion

As shown above, the cited references fails to disclose or suggest at least six (6) recitations of the pending claims. As a rejection under 35 U.S.C. § 103 must, at the outset, show that each of the recitations of the claim at issue were disclosed in some combination of prior art references, the failure of the cited references to disclose these recitations provide six (6) independent grounds for withdrawal of the pending rejections. Applicants also take issue with the rationale identified in the Office Action as providing motivation to combine the cited references in the manner suggested in the rejections, but do not believe that it is necessary to expand on the deficiencies in this aspect of the rejection in light of the clear showing above that the rejections cannot stand. Applicants will also not, at this time, argue additional grounds for patentability of specific claims over the cited art in light of Applicants' showing of numerous grounds for withdrawal of the pending rejections.

Respectfully submitted,



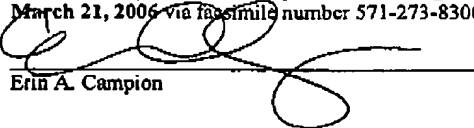
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